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EXAMINER

SRIVASTAVA, V

ART UNIT PAPER NUMBER

2711

DATE MAILED:

09/28/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/16/99

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16, 22-40, and 42-44 is/are pending in the application.

Of the above, claim(s) is/are withdrawn from consideration.

☒ Claim(s) 35, 36 is/are allowed.

☒ Claim(s) 1-16, 22-34, 37-40, and 42-44 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claims are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 43 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 43 is non-enabling because it is un-necessary to transmit a predetermined time before the content level is ascertained since program blocking would not be needed.

3. Claim 43 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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The passage provided by the Applicant supports the claimed transmitting a predetermined time after the instantaneous content level is ascertained but fails to support transmitting a predetermined amount of time before the instantaneous content level is ascertained.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Olivo Jr. and Kwoh.

Considering claim 1, West discloses all the claimed subject matter, note:

1) the claimed a method of creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content, is met by column 5 lines 3 - 19, column 7 lines 5 - 10, col. 18 lines 29 - 32).

2) the claimed providing information to a user which describes each of the category labels is met by column 4 lines 58 - 67 and column 5 lines 20 - 40,

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3) the claimed prompting the user to input a value for each of the category labels in response to the provided information is met by column 7 lines 29 - 40 and column 10 lines 1 - 26,

4) the claimed forming the local information label based on the input values is met by column 5 lines 1 - 29.

5) the comparing the local information label and the transmitted information label (col 4 lines 48-67 and col 5 lines 1-40),

except for:

1) the claimed means for receiving a program which includes a transmitted information label having a first category label which identifies a first program content and a second category label which identifies a program theme on a frame-specific basis.

West discloses of transmitting an information label having a label which identifies program content. Olivo and Kwoh also disclose of transmitting an information label wherein Kwoh discloses of transmitting a label which identifies the category (col 2 lines 24-47 ex. Children programs) and Olivo discloses of identifying the program content on a frame-by-frame basis (col 3 lines 25-40). It would have been obvious to modify the invention of West to include category theme in the label, since additional data in the label would further help identify the type of programming, and it would have been obvious to transmit the programming on a frame-by-frame basis as the censorship of the programming would have been more flexible. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of West to include category data in the label as taught by Kwoh and transmit

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the program content on a frame-by-frame basis, as taught by Olivo because additional identification of the transmitted programming and added flexibility would have been expected.

Considering claim 2, West discloses all the claimed subject matter, note the claimed wherein the information provided to the user comprises descriptive phrases which describe categories of program content is met by column 4 lines 58 - 67 and column 5 lines 29 - 40.

Considering claim 3, West discloses all the claimed subject matter, note the claimed further comprising the step of receiving from a remote source the descriptive phrases is met by column 4 lines 58 - 67 and column 5 lines 1 - 40.

Considering claim 4, West discloses all the claimed subject matter, note the claimed wherein the descriptive phrases comprises standardized definitions is met by column 5 lines 30 - 40 (R = restricted).

Considering claim 5, West discloses all the claimed subject matter, note the claimed further comprising the step of displaying graphically the values for the category label is met by column 5 lines 27 - 30.

Considering claim 6, West discloses all the claimed subject matter, note the claimed wherein the steps of providing information to the user and prompting the user are carried out for each of the category labels is met by column 15 lines 1 - 40 and column 14 lines 30 - 54.

Considering claim 7, West discloses all the claimed subject matter, note:

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1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 2 - 19, column 18 lines 29 - 32,

2) the claimed means for providing information to a user which describes each of the category labels is met by column 4 lines 59 - 67 and column 5 lines 20 - 40,

3) the claimed means for prompting the user to input a value for each of the category labels in response to the provided information is met by column 5 lines 1 - 19, column 7 lines 29 - 40 and column 10 lines 1 - 26,

4) the claimed means for forming the local information label based on the input values is met by column 5 lines 2 - 19.

5) the claimed means for comparing the local information label and the transmitted information label (col 4 lines 48-67 and col 5 lines 1-40),

except for:

1) the claimed means for receiving a program which includes a transmitted information label having a first category label which identifies a first program content and a second category label which identifies a program theme on a frame-specific basis.

West discloses of transmitting an information label having a label which identifies program content. Olivo and Kwoh also disclose of transmitting an information label wherein Kwoh discloses of transmitting a label which identifies the category (col 2 lines 24-47 ex. Children programs) and Olivo discloses of identifying the program content on a frame-by-frame basis (col 3

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lines 25-40). It would have been obvious to modify the invention of West to include category theme in the label, since additional data in the label would further help identify the type of programming, and it would have been obvious to transmit the programming on a frame-by-frame basis as the censorship of the programming would have been more flexible. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of West to include category data in the label as taught by Kwoh and transmit the program content on a frame-by-frame basis, as taught by Olivo because additional identification of the transmitted programming and added flexibility would have been expected.

Considering claim 8, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a person associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,

2) the claimed means for storing in the local information label an identification code which identifies the person is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

Considering claim 9, West discloses all the claimed subject matter, note:

1) the claimed means for prompting the user to identify a group of people associated with the local information label is met by column 10 lines 1 - 26 and column 12 lines 15 - 18,

2) the claimed means for storing in the local information label an identification code which identifies the group of people is met by column 4 lines 48 - 52 and column 5 lines 3 - 19.

Considering claim 10, West discloses all the claimed subject matter, note:

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1) the claimed means for prompting the user to identify a daily time period associated with the local information label would have been inherent, the user would have been prompted by the apparatus to input a time period since the user can input the censorship times associated with the information label (column 5 lines 1 - 8),

2) the claimed means for storing in the local information label a timing code which identifies the daily time period is met by column 4 lines 48 - 57 and column 5 lines 2 - 19.

Considering claim 11, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of the plurality of users is met by column 4 lines 48 - 57 and column 5 lines 3 - 19.

Considering claim 12, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of combination of users is met by column 4 lines 48 - 57 and column 5 lines 30 - 40.

Considering claim 13, West discloses all the claimed subject matter, note the claimed further comprising means for storing a local information label for each of a plurality of daily time periods is met by column 4 lines 58 - 66 and column 5 lines 1 - 19.

Considering claim 14, West discloses all the claimed subject matter, note the claimed further comprising at least one of an audio storage medium, a data storage medium, and a video storage medium for storing the information provided to the user is met by column 4 lines 58 - 67 and column 5 lines 1 - 19 (it is inherent that the apparatus contains a audio and video storage

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medium to compare the audio (language) and video (violence) codes transmitted and inputted to compare for censorship).

Considering claim 15, West does not specifically disclose the claimed further comprising a portable memory for storing local information label.

West discloses of storing the local information label in a memory. It would have been obvious that storing the category label in portable memory would have provided censorship of programming like storing programming in the memory disclosed by West, furthermore the use of portable memory for the storage of a category label would have been well known in the art (discs, tapes, cards, etc.). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to include a portable memory in the invention of West, because it would have been obvious that a portable memory would have provided censorship of programming as the conventional memory of West and it would have been obvious and known in the art that the use of portable memories would have added versatility to a system because the memory would have the possibility of being transported and used at a plurality of locations.

6. Claims 16 - 18, 22, 27 - 33, 37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over West.

Considering claim 16, West discloses the following claimed subject matter, note:

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1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 1 - 29, column 15 lines 3 - 19 and column 7 lines 5 - 10,

2) the claimed means for assigning a value to each of the category labels based on the received answers is met by column 5 lines 20 - 40 and column 7 lines 28 - 40,

3) the claimed means for forming the local information label based on the values assigned to each of the category labels is met by column 5 lines 20 - 40 and column 7 lines 28 - 40 (local information label is exclusion code formed from inputting values for category label),

except for:

1) the claimed means for presenting questions to a user which are related to the category labels,

2) the claimed means for receiving answers to the questions presented to the user.

Regarding 1) and 2), West discloses of inputting information as to the PIN#, the rating system(s), and the censorship ratings, for the plurality of household members. West also discloses that the apparatus prompts the user for information like "ENTER YOUR PIN NUMBER". In addition West suggests presenting questions to the user for obtaining the desired information. It would have been obvious to present to the user "ENTER YOUR PIN NUMBER" in the form of a question to obtain the needed information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for presenting

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questions to a user which are related to the category labels and to include a means for receiving answers presented to the user to obtain the needed information for forming the individual labels.

Considering claim 17, West does not specifically disclose the claimed wherein the questions presented to the user are indirectly related to the category labels.

It would have been obvious to include questions presented to the user in the invention of West (claim 16). West disclose of assigning and inputting PIN# for the plurality of household members. It would have been obvious that the PIN# were indirectly related to the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that questions presented to the user were indirectly related to the category labels because the PIN# was used to access the information and category label for each individual and was not part of the information or category label thus resulting in an indirect relationship, whereas the censorship ratings formed the information or category label and would have been directly related to the information/category label as discussed in claim 16.

Considering claim 18, West does not specifically disclose the claimed wherein the questions presented to the user are descriptive phrases which describe the categories of program content associated with the category labels.

It would have been obvious to present questions to the user regarding the censorship ratings in the invention of West (claim 16). West discloses of describing the content of the of the programming with descriptive phrases by pressing a button to provide the user with the descriptive phrases which describe the categories. It would have been obvious to present the user

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with questions with descriptive phrases which describe the categories of program content associated with the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the user with descriptive phrases which describe the categories of program content associated with the category labels because it would have been known to provide the user with descriptive phrases which describe the categories as disclosed by west and it would have been obvious to include descriptive phrases when prompting the user to input the ratings because it would have been known that the phrases would have described the categories for inputting ratings.

Considering claim 22, West discloses the following claimed subject matter, note the claimed an apparatus for selecting a local information label for a program user is met by column 5 lines 3 - 40, except for:

- 1) the claimed means for storing a plurality of local information labels associated with a plurality of user ages,
- 2) the claimed means for inputting an age of the user,
- 3) the claimed means for activating one of the plurality of local information labels based on the input age of the user.

Regarding 1), 2), and 3), West discloses of storing a plurality of local information labels associated with a plurality of household users, wherein each of the household members is assigned a PIN for identification means for tv access where each PIN is associated with an information label which is stored in memory and is activated with inputting a PIN number. West also cites

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that household members are assigned a PIN number with a different level of censorship with respect to different ages (col 5 lines 31 - 40). It would have been obvious to utilize the age as PART of the pin number since the age of the individual would have been an easy number to remember. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of local information labels associated with a plurality of user ages and means for inputting an age as part of PIN # to activate one of the information labels because it would have been obvious that utilizing an the age as PART of the PIN number would have provided a simpler means for remembering a PIN number.

Considering claim 27, West discloses the following claimed subject matter, note:

1) the claimed a method of forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 3 - 40,

2) the claimed presenting a program to a user is met by column 4 lines 48 - 67 and column 5 lines 1 - 3,

3) the claimed presenting to the user a representation of a transmitted category label having a value which identifies the content of the program is met by column 5 lines 3 - 40,

4) the claimed receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

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except for:

1) the claimed modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed forming the local information label on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of assigning censorship ratings for each member of the household. It would have been obvious to one skilled in the art that a means of modifying the local label to that of acceptable or unacceptable would have been to modify the local label and modifying the local label to acceptable or unacceptable status would have provided the user with added control of censorship. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify and form the local label based on the indication from the user that the content is acceptable or unacceptable in the invention of Olivo because added control and greater flexibility in controlling the censorship would have been expected.

Considering claim 28, West does not specifically disclose the claimed wherein the modifying step comprises reducing the value associated with local category label such that it is less than the value associated with transmitted category value.

West discloses of modifying the value of the local category label to customize the value for each member of the household. It would have been obvious that in allowing or censoring the

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programming material the category label would have been either higher or lower than the value of the transmitted category label. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made modifying the local category label would have resulted in a value less than the value associated with transmitted category label because it would have been obvious that the lower or higher value of the local category label with respect to the transmitted label would have permitted access or provided censorship of the programming material.

Considering claim 29, West discloses all the claimed subject matter, note the claimed further comprising the step of blocking at least a portion of the program of substituting program material for objectional material when the value associated with the local category label is less than the value of the transmitted category label is met by column 7 lines 11 - 28.

Considering claim 30, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 2 - 19,

2) the claimed means for presenting a program to a user is met by column 1 lines 4 - 9,

3) the claimed means for receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

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except for:

- 1) the claimed means for modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,
- 2) the claimed means for forming the local information label based on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of assigning censorship ratings for each member of the household. It would have been obvious to one skilled in the art that a means of modifying the local label to that of acceptable or unacceptable would have been to modify the local label and modifying the local label to acceptable or unacceptable status would have provided the user with added control of censorship. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify and form the local label based on the indication from the user that the content is acceptable or unacceptable in the invention of Olivo because added control and greater flexibility in controlling the censorship would have been expected.

Considering claim 31, West does not specifically disclose the claimed further comprising means for indicating whether the modification of the value associated with the local category label is to be temporary or permanent. Please refer to claim 30 for reasons of obviousness.

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Considering claim 32, West discloses all the claimed subject matter, note the claimed wherein the means for receiving an indication comprises a button on a remote control device, the button being associated only with the local information label is met by column 9 lines 2 - 15.

Considering claim 33, West does not specifically disclose the claimed wherein the means for receiving an indication comprises a voice recognition system.

West discloses of censorship of programs and control of airtimes of tv watching in a household wherein a plurality of members in the household are assigned PIN numbers for identification to access tv programs. The head of the household has a PIN number for identification to modify the labels for each household member. A means of identification by a voice recognition system would have been well known in the art and would have been obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a means of identification of the plurality of users in the household would have been required in the invention of West, and it would have been obvious to have used a voice recognition system as a means for identification because it would have been obvious a means of identification would have been required to identify the plurality of members using the tv in a household to control the local labels, and voice recognition as a means of identification would have been well known in the art.

Considering claim 37, West discloses:

(1) means for storing a program signal and a transmitting information label (col. 5 lines 1 - 40),

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(2) means for storing local information label (col. 5 lines 1 - 40, transmitted information is stored locally),

except for:

(1) means for modifying the local information label based on the transmitted information label.

West discloses a means of transmitting an information label and storing the information label locally for comparison to a stored label generated by the a viewer. It would have been obvious that the local stored label would have been modified based on the label transmitted during a change of ratings resulting from a change of programming to compare the local stored label with the label generated by the viewer for blocking out obscene programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that local information label in West would have been modified based on the transmitted information label to provide blocking of programming when the transmitted program and rating has been changed.

Considering claim 44, West discloses:

(1) means for storing a local label associated with at least one user (col. 5 lines 1-40)

(2) means for selecting local information label associated with at least one user based upon the identification of at least one user (col. 5 lines 1-40, col. 7 lines 29-40).

except for:

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(1) means for identifying at least one user, wherein at least one user is identified via one of voice recognition, physical feature recognition or fingerprint recognition.

The Examiner takes official notice that voice recognition, physical feature recognition or fingerprint recognition would have been known as an effective means of identification of an individual. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include fingerprint recognition, physical feature recognition, or fingerprint recognition because these forms of identification would have been known to be effective.

7. Claims 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Clanton.

Considering claim 23, West discloses the following claimed subject matter, note:

1) the claimed means for receiving at a user station a program which includes a program signal and a transmitted information label having at least one category label value which identifies a content of the program signal is met by column 4 lines 58 - 67 and column 5 lines 1 - 40,

2) the claimed means for storing an identification code of the user for each program presented to the user is met by column 5 lines 1 - 40 (stored user ID provides access to programs),

except for:

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1) the claimed means for storing the at least one category label value for programs presented to the user to compile a viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences (col 7 lines 50-58). It would have been obvious to provide the user in the invention of West user preferred programming by storing the category label for programs presented to the user by compiling a viewing history. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 24, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences. It would have been obvious to provide the user in the invention of West user preferred programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught

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by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 25, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Considering claim 26, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo.

Considering claim 34, Olivo discloses all the claimed subject matter, note:

1) the claimed a method for scheduling an advertisement during a program, the program having a program information label which rates the instantaneous content of the program at least two levels is met by column 14 lines 30 - 53 (alternate programming),

2) the claimed scanning the program information label to ascertain the instantaneous content level of the program over the duration of the program is met by column 14 lines 30 - 53,

3) the claimed scheduled one advertisement within the program at a time based on the instantaneous content level of the program information label is met by column 14 lines 30 - 53 (alternate programming is scheduled to be displayed during obscene materials),

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except for:

1) the claimed determining one of a plurality of advertisements to be run during said program based upon the instantaneous content level of the program.

Olivo discloses of displaying alternate scenes corresponding to the program material in context but of more acceptable content (col 7 lines 48-51). It would have been obvious that a scene(s) or advertisement would have been selected from a plurality of scenes which corresponded to the program material in context for display as alternate programming. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made that the invention of Olivo would have had a plurality of scenes or advertisements and the scene which corresponded to the program material in context would have been displayed as alternate programming.

9. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Abecassis, and further in view of Olivo (5,172,111).

Considering claim 42, West or Abecassis do not specifically disclose the claimed wherein the received information is a television program signal and the associated information content label is provided in each frame of the program signal.

West, Abecassis, and Olivo all disclose of transmitting and information label the user for editing the content of a program. Olivo discloses of receiving a television signal and teaches that by providing information label for each frame of the program signal, each frame of the signal can

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be censored or allowed depending on the program content (col 3 lines 25-44). It would have been obvious to modify the invention of West to include an information label for each frame of the program signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the invention of West to include an information label for each frame of the program signal as taught by West because it would have been obvious that allowing or censoring each video frame would have provided flexibility such that only the undesired portions of the program would be censored in lieu of the entire video program.

10. Claims 38, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Olivo.

Considering claim 38, West discloses:

1) the claimed In an information access system, a method for creating a local information label for use in controlling access to information which has associated therewith an information label related to the content of the information (col 5 lines 20-52 and col 6 lines 42-62),

2) the claimed providing to a user a plurality of category labels each identified by a standardized description of a particular type of information content (col. 18 lines 29-32, col. 5 lines 20-40, providing to a user a plurality of category labels is met by transmitting a plurality of category labels for a plurality of television programs).

3) the claimed prompting the user to input a value which is indicative of an amount of said information content into the information access system for each of the category labels (col. 18

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lines 29-32, col. 5 lines 20-40, West inherently discloses prompting the user to input a value indicative of an amount of information content into the information access system for each of the category labels since a local category label is formed by user inputting rating values to block the undesired portions of programming).

4) the claimed creating a local information label based upon each of the category labels in response to the input values (col. 18 lines 29-32, col. 5 lines 20-40, West inherently discloses the claimed limitation since values must be inputted to form a local category label to block out portions of undesired programming),

except for:

1) the claimed receiving information as frames of a signal and providing for prevention of access to a part of each frame which does not have information content which compares favorably with the local information label.

West discloses blocking out programming that is not appropriate to viewers. Olivo discloses utilizing ratings input by a viewer to block out only those frames of programming that are not appropriate thus enabling the viewer to receive the rest of the programming. The Examiner takes official notice that blocking out portions of frames by blurring or bleeping out profanity would have been well known in the art to prevent the user receiving in-appropriate programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West based on the teaching of Olivo and knowledge in the

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art to include the claimed limitation to enable the viewer to receive those frames which are appropriate and blocking those that are not.

Considering claim 39, West specifically disclose the claimed wherein the information content includes subcategories of at least violence and sex (col. 18 lines 29-32).

Considering claim 40, West discloses the claimed wherein the information access system stores the local information label, the received information including an associated information content label which varies.

Allowable Subject Matter

11. Claims 35 and 36 are allowed.

Response to Arguments

Applicant's Arguments / Examiner's Responses

- (1) Therefore, Applicant respectfully requests withdrawal of the rejection.

The passage cited by the Applicant's recite "By way of example, the controller in the scheduler may be programmed to schedule a commercial of a particular advertiser within 5 minutes...." and "...schedule a commercial of a different advertiser so that it is separated by at

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least 20 minutes....". The passage fails to support transmitting a predetermined amount of time before the instantaneous content level is ascertained. As result, the 112 rejection is maintained.

(1) Kwoh and Olivo fail to teach or suggest identification of a program theme in a frame-specific manner or censoring according to a program theme on a frame-by-frame basis allowing a more detailed censoring ability.

The Examiner respectfully disagrees. Kwoh and Olivo in combination teach identification of a program theme in a frame-specific manner or censoring according to a program theme on a frame-by-frame basis allowing more detailed censoring ability. Since Kwoh discloses transmitting a label which identifies category theme and Olivo discloses censoring frames based on a content label, it would have obvious to censor according to program theme on a frame-by-frame basis allowing a more detailed censoring ability.

(2) If the request for a PIN number were changed to a question in the West system as suggested by the Office Action, a user would still only input a PIN number, and this would not lead to assigning a value to the category labels based upon the answers to the questions. The input of a PIN number would only provide access to the system. As such, the West patent does not teach or suggest Applicant's invention as recited in claim 16.

The Examiner respectfully disagrees. West discloses assigning censorship ratings to members of a household. West also discloses inputting a PIN number to access the ratings. In order to assign ratings to members of a household, a PIN number would have been needed to access the censorship ratings to assign each member of the household a censorship label or else

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anyone in the household could change the labels and access programming that is not appropriate. As a result, the Applicant's arguments are not persuasive.

(3) Furthermore, the Examiner asserts that it would have been inherent that the user would have been prompted to input the rating value for each category label for each member of the household. M.P.E.P 2112 requires the Examiner, when relying on the theory of inherency, to provide "a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art.

Since each member of the household has an associated PIN number, it would have been inherent that a senior member of the household would have inputted the rating value for each category label for each member of the household. As a result, the reference inherently includes the claimed limitation.

(4) As such, there is no teaching or suggestion for activating one of a plurality of the local information labels based upon an input age in the West patent.

The Examiner respectfully disagrees. Since West discloses the importance of censorship with respect to age, it would have been obvious to input the user's age to access the associated programming. As far as the Applicant's comment regarding a child inputting an older age to access inappropriate programming, the inputting of age could be part of the information required to access programming along with another identification information. As a result, the Applicant's arguments are not persuasive.

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(5) There is no compilation of a viewing history by West. Thus, West fails to teach or suggest Applicant's compiled user history.

Since Clanton was introduced to teach storing a user history and not West as argued by Applicant's, Applicant's arguments are not persuasive.

(6) Applicant submits that Clanton fails to teach or suggest a user history. Clanton may show a weekly history of the top ten rentals but there is no teaching or suggestion of compiling a viewing history for a particular user, as recited in Applicant's claims.

The claim does not recite storing a viewing history for a particular user. Clanton discloses storing user viewing preferences which includes preferences for the instant user. Clanton clearly reads on the broadly claimed limitation. As a result, the Applicant's arguments are not persuasive.

(7) The Examiner indicated that the Applicant has relied upon a feature that is not recited in claims 22-26. To the contrary, claim 23 recites "means for storing the at least one category label value programs presented to the user to compile a viewing history for the user." While this feature is not recited in independent claim 22, Applicant has not relied upon such language for the patentability of the claim. Applicant's respectfully requests withdrawal and allowance of the claims 22-26 for the reasons described above.

Since Clanton discloses storing a viewing history, it would have been obvious to modify West to include the claimed limitation. As a result, claim 23 is not allowable over the prior art.

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(8) Because the West patent discloses manually changing the information label, as opposed to the system performing the modification as recited in independent claims 27 and 30, West actually teaches away from the previously claimed invention.

The Examiner agrees that West does not specifically disclose the claimed limitation. As a result, the Examiner provided a 103 rejection as to why it would have been obvious to modify West to include this limitation. Since the Applicant fails to argue why it would have not been obvious to include this feature in West, the Applicant's arguments are not persuasive.

(9) With respect to independent claim 34, Olivo, Jr. does not determine timing transmission of a specific advertisement to occur within a predetermined period of time relative to an instantaneous content level of the program as is encompassed by claim 34.

The Examiner respectfully disagrees. Since Olivo discloses inserting the alternate program signal to block out obscene material, the specific alternate programming would have to be timely transmitted within a predetermined period of time relative to an instantaneous content level of the program to insure the blocking of the obscene material.

(10) Thus, an advertiser can, for example, choose that an advertisement will not be shown near what is deemed to be offensive material. As discussed above, Olivo does not disclose this ability. As such, Applicant submits claims 34 and 43 are allowable.

Since this limitation was added via amendment, please need rejection above for new grounds as necessitated by amendment.

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(11) Applicant respectfully submits that there is no suggestion, absent improper hindsight reasoning, that a local information label is modified based on the transmittal information label. As such, the West patent fails to disclose or suggest the features of independent claim 37.

Since the transmitted label would have been transmitted and stored locally for comparison to a label generated by a user, it would have been obvious that each time a label is transmitted the local label stored would have been modified to compare it with the label generated by the user. In other words, the claim as broadly interpreted, simply states modifying a local label based on a transmitted label which is done everytime a label is transmitted. As a result, the Applicant's arguments are not persuasive.

(12) Applicant's claim 38 recites blocking a part of the frame which does not compare favorably with the information content label. Abecassis discloses blocking a scene of a part of a scene but does not disclose blocking an objectionable area of a frame.

The Examiner asserts that the rejection of claim 38 was a combination of West, Olivo, and knowledge in the art. Abecassis was not utilized in rejecting claim 38. The combination of West, Olivo, and knowledge in the art would read on claim 38. As a result, the Applicant's arguments are not persuasive.

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Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Perlman et al. - Rating dependent parental lock-out for television reception
- b) Young et al. - Background television schedule system
- c) Florin et al. - Display of multiple levels of information
- d) Sweetser - Video Control System
- e) Benjamin - Restrictive Access Control System

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f) Kwoh - Apparatus And Method For Total Parental Control Of Television Use

g) Vogel - Automatic Censorship of Video Programs

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

VS 9/21/99

A large, stylized handwritten signature in black ink, likely belonging to Nathan Flynn, the Primary Examiner.

Nathan Flynn
Primary Examiner